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Appl. No. 10/740,261
Docket No. 9475
Reply dated August 18, 2006
Reply to Office Action mailed on July 13, 2006
Customer No. 27752

REMARKS

Claim 1 has been amended to define the claimed invention with greater specificity by emphasizing that the fibrous structure has regions of different basis weight in a non-random pattern. Support of this amendment is found in the Specification, especially at page 10, lines 30-34 and in Figs. 9, 9A and 10.

Claims 1-6, 8-15, 17-20 and 22 are pending. No additional claims fee is believed to be due.

Rejection Under 35 USC 103 (a) Over U.S. Patent No. 5,538,595 in View

of U.S. Patent No. 5,350,624 or U.S. Patent No. 6,617,490

Claims 1, 5-6, and 17-22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over U.S. Patent No. 5,538,595 to Trokhan, et al. ("Trokhan") in view of U.S. Patent No. 5,350,624 to Georger, et al. ("Georger") or U.S. Patent No. 6,617,490 to Chen, et al. ("Chen"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be used in combination with cellulosic fibers. The Examiner asserts that Georger and Chen both teach arranging cellulosic fibers and synthetic fibers in a non-random pattern within a fibrous structure to provide capillary pressure gradients for fluid transportation, to increase tensile strength and/or to improve abrasion resistance. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cellulosic and synthetic fibers of Trokhan in a non-random pattern as taught by Georger or Chen.

Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Georger and/or Chen because the combined teachings fail to teach each and every element of Claim 1, as amended. More specifically, Applicants respectfully submit that Georger and Chen fail to teach that their fibrous structures exhibit regions of different basis weight in a non-random pattern. Applicants recognize that Trokhan teaches a fibrous structure comprising at least two layers, one of which

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comprises long cellulosic fibers and another of which comprises short cellulosic fibers and that synthetic fibers can be combined with cellulosic fibers. However, Applicants fail to recognize where Georger and/or Chen teach arranging cellulosic fibers and synthetic fibers within a single layer in a non-random pattern, and even if they do, they fail to teach that their fibrous structures exhibit regions of different basis weight in a non-random pattern.

With regard to Georger, Applicants respectfully submit that Georger teaches two embodiments for its structure. One embodiment of Georger is a multi-layer embodiment where a layer of cellulosic fibers is sandwiched between two layers of synthetic fibers – no layer that comprises a mixture of cellulosic fibers and synthetic fibers. (See Fig. A in Attachment). In another embodiment of Georger, the structure is homogeneous – not layered – where the entire structure comprises a mixture of cellulosic fibers and synthetic fibers that are randomly distributed throughout the structure. (See Fig. B in Attachment). Clearly, Georger does not teach a structure having a layer comprising a mixture of short cellulosic fibers and synthetic fibers wherein the short cellulosic fibers and synthetic fibers are disposed in the layer in a non-random pattern, for example as shown in Figs. 9, 9A and 10 of the present application. Further, Georger does not teach a fibrous structure that exhibits regions of different basis weight in a non-random pattern, like those claimed and exemplified in Figs. 9, 9A and 10.

With regard to Chen, Applicants appreciate that Chen teaches a fibrous structure having a layer comprising cellulosic fibers and synthetic fibers. (See Fig. C in Attachment). However, Applicants respectfully submit that Chen fails to teach that its cellulosic fibers and synthetic fibers are disposed within the layer in a non-random pattern, for example as shown in Figs. 9, 9A and 10 of the present application. Applicants submit that even though Chen discloses that its fibrous structure comprises regions of high fiber density and low fiber density, the cellulosic fibers and synthetic fibers are not disposed within the layer in a non-random pattern. In other words, the mixture of cellulosic fibers and synthetic fibers within Chen's high fiber density regions is equivalent to the mixture of cellulosic fibers and synthetic fibers within Chen's low fiber density regions. Further, Chen does not teach a fibrous structure that exhibits regions of different basis weight in a non-random pattern, like those claimed and exemplified in Figs. 9, 9A and 10.

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Accordingly, Applicants respectfully submit that Trokhan in combination with the teachings of Georger and Chen fail to teach each and every element of Claim 1, the independent claim, because the references fail to teach a fibrous structure that comprises a layer comprising a mixture of short cellulosic fibers and synthetic fibers wherein the short cellulosic fibers and synthetic fibers are disposed in the layer in a non-random pattern and where the fibrous structure has regions of different basis weight in a non-random pattern.

Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03. Further, Applicants submit that Claims 5-6 and 17-20 and 22 (Claim 21 has been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Georger and/or Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent No. 6,548,731

Claims 2 and 3 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 6,548,731 to Mizutani et al. ("Mizutani"). Applicants respectfully submit that Claims 2 and 3, which ultimately depend from Claim 1, discussed above, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Mizutani for the same reasons that Claim 1 is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all

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three of which are described above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, discussed above, are not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Manning for the same reasons that Claim 1 is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, discussed above, is not rendered obvious over the combined teachings of Trokhan, Georger, Chen and Henbest for the same reasons that Claim 1 is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of Georger or Chen and further in view of U.S. Patent Nos. 5,405,499 or 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Georger or Chen, all three of which are described above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depends from Claim 1, discussed above, is not rendered obvious over the combined teachings of

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Trokhan, Georger, Chen, Vinson and Kershaw for the same reasons that Claim 1 is not rendered obvious over Trokhan, Georger and Chen. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View

of U.S. Patent No. 6,548,731

Claims 1-3, 5-6, and 17-22 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan, described above, in view of U.S. Patent No. 6,548,731 to Mizutani ("Mizutani"). The Examiner asserts that Trokhan discloses a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers. The Examiner further asserts that Trokhan discloses that synthetic fibers may be used in combination with cellulosic fibers. The Examiner asserts that Mizutani teaches arranging cellulosic fibers and synthetic fibers in a non-random pattern within a fibrous structure to form an absorbent article that passes a large amount of liquid so as to keep the surface dry. The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the cellulosic and synthetic fibers of Trokhan in a non-random pattern as taught by Mizutani.

Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over Trokhan in view of Mizutani because the combined teachings fail to teach each and every element of Claim 1, as amended. More specifically, Applicants respectfully submit that Mizutani fail to teach that their fibrous structures exhibit regions of different basis weight in a non-random pattern. Applicants recognize that Trokhan teaches a fibrous structure comprising at least two layers, one of which comprises long cellulosic fibers and another of which comprises short cellulosic fibers and that synthetic fibers can be combined with cellulosic fibers. However, Applicants fail to recognize where Mizutani teach arranging cellulosic fibers and synthetic fibers within a single layer in a non-random pattern, and even if they do, they fail to teach that their fibrous structures exhibit regions of different basis weight in a non-random pattern.

With regard to Mizutani, Applicants appreciate that Chen teaches a fibrous structure having a layer comprising cellulosic fibers and synthetic fibers. (See Fig. D in

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Attachment). However, Applicants respectfully submit that Mizutani fails to teach that its cellulosic fibers and synthetic fibers are disposed within the layer in a non-random pattern, for example as shown in Figs. 9, 9A and 10 of the present application. Further, Applicants submit that Mizutani does not teach a fibrous structure that exhibits regions of different basis weight in a non-random pattern, like those claimed and exemplified in Figs. 9, 9A and 10.

Accordingly, Applicants respectfully submit that Trokhan in combination with the teachings of Mizutani fail to teach each and every element of Claim 1, the independent claim, because the references fail to teach a fibrous structure that comprises a layer comprising a mixture of short cellulosic fibers and synthetic fibers wherein the short cellulosic fibers and synthetic fibers are disposed in the layer in a non-random pattern and where the fibrous structure has regions of different basis weight in a non-random pattern.

Therefore, Applicants respectfully submit that Claim 1, as amended, is not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03. Further, Applicants submit that Claims 2-3, 5-6 and 17-20 and 22 (Claim 21 has been cancelled), which ultimately depend from Claim 1, as amended, are not rendered obvious over the teachings of Trokhan in combination with Mizutani. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of WO 93/14267

Claims 4, 8-12 and 15 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of WO 93/14267 to Manning ("Manning").

Applicants respectfully submit that Claims 4, 8-12 and 15, which ultimately depend from Claim 1, discussed above, are not rendered obvious over the combined teachings of Trokhan, Mizutani and Manning for the same reasons that Claim 1 is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

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Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of U.S. Patent No. 4,202,959

Claim 9 is rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of U.S. Patent No. 4,202,959 to Henbest et al. ("Henbest").

Applicants respectfully submit that Claim 9, which ultimately depends from Claim 1, discussed above, is not rendered obvious over the combined teachings of Trokhan, Mizutani and Henbest for the same reasons that Claim 1 is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Rejection Under 35 USC 103 (a) Over Trokhan in View
of Mizutani and further in view of U.S. Patent Nos. 5,405,499 or 5,409,572

Claims 13 and 14 are rejected by the Examiner under 35 USC §103(a) as allegedly defining obvious subject matter over Trokhan in view of Mizutani, both of which are described above, and further in view of U.S. Patent No. 5,405,499 to Vinson ("Vinson") or U.S. Patent No. 5,409,572 to Kershaw et al. ("Kershaw").

Applicants respectfully submit that Claims 13 and 14, which ultimately depends from Claim 1, discussed above, is not rendered obvious over the combined teachings of Trokhan, Mizutani, Vinson and Kershaw for the same reasons that Claim 1 is not rendered obvious over Trokhan and Mizutani. MPEP 2143.03.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

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This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-6, 8-15 and 17-22 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 

Signature

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(Amendment-Response to Office Action.doc)
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ATTACHMENT

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GEORGER STRUCTURES ?

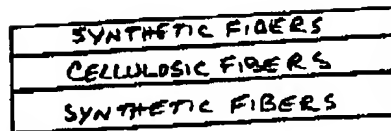


Fig. A

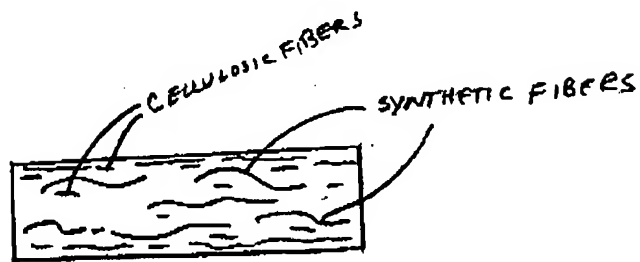


Fig. B

CHEN STRUCTURE ?

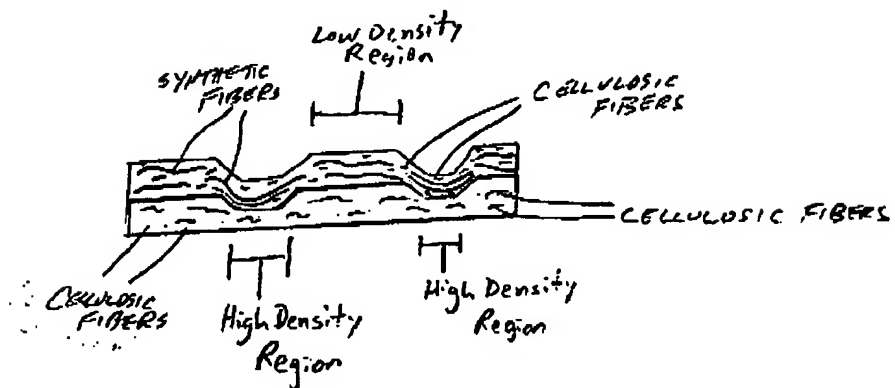


Fig. C

ATTACHMENT (CONT'D) BEST AVAILABLE COPY

MIZUTANI STRUCTURE:

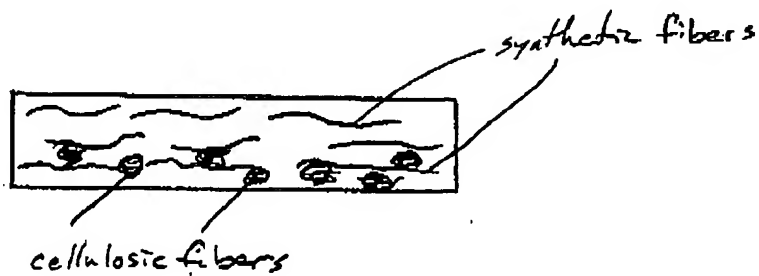


Fig. D